



City Council Chambers
3300 Capitol Avenue
Fremont, California

City Council

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Bob Wieckowski, Vice Mayor
Anu Natarajan
Bill Harrison
Suzanne Lee Chan

City Staff

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Harvey E. Levine, City Attorney
Annabell Holland, Interim Assistant City
Manager/Parks & Recreation Director

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Norm Hughes, City Engineer
Bruce Martin, Fire Chief
Jim Pierson, Transportation & Ops Director
Jeff Schwob, Planning Director
Suzanne Shenfil, Human Services Director
Craig Steckler, Chief of Police
Lori Taylor, Economic Development Director
Elisa Tierney, Redevelopment Director

City Council Agenda and Report [Redevelopment Agency of Fremont]

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may then speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral Communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

To leave a voice message for all Councilmembers and the Mayor simultaneously, dial 284-4080.

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Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website (www.Fremont.gov).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. Council meetings are *open captioned* for the deaf in the Council Chambers and *closed captioned* for home viewing.

Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk
City of Fremont
3300 Capitol Avenue, Bldg. A
Fremont, California 94538
Telephone: (510) 284-4060

Your interest in the conduct of your City's business is appreciated.

AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
OCTOBER 12, 2010
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

- 2.1 *Motion to Waive Further Reading of Proposed Ordinances
(This permits reading the title only in lieu of reciting the entire text.)*
- 2.2 *Approval of Minutes – for the Regular Meeting of September 28, 2010*
- 2.3 *Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Properties Located at 43116 Mission Boulevard and 111 Telles Lane from Single Family Residence R-1-20, Historic Overlay District (HOD), Hillside Combining District (H-I) and Single Family Residence R-1-20 (HOD)(H-I) Floodway (F-W) to Single Family Residence R-1-10(HOD)(H-I) and Single Family Residence R-1-20 (HOD)(H-I)(F-W)*

RECOMMENDATION: Adopt ordinance.

- 2.4 *TEMPORARY REDUCTION OF DEVELOPMENT IMPACT FEES AND
SELECTION OF STREET FURNITURE – MIDTOWN DISTRICT
Continuance of a Public Hearing (Published Notice) to Consider a Resolution to Collect Development Impact Fees at 50% of their Full Amounts in the Midtown District within the Central Business District until December 31, 2013 and to Provide Direction to Staff on the Selection of Street Furniture for the Midtown District*

Contact Person:

<i>Name:</i>	<i>Wayne Morris</i>	<i>Jeff Schwob</i>
<i>Title:</i>	<i>Senior Planner</i>	<i>Planning Director</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4729</i>	<i>510-494-4527</i>
<i>E-Mail:</i>	<i>wmorris@fremont.gov</i>	<i>jschwob@fremont.gov</i>

RECOMMENDATION: Continue to a date to be determined and direct the City Clerk to republish the appropriate public hearing notice.

2.5 AWARD A CONSTRUCTION CONTRACT FOR THE BAY STREET SIGN (PWC8509C)

Approve Plans and Specifications and Award a Construction Contract in the Amount of \$108,500 for the Bay Street Sign, City Project No. 8509C (PWC)

Contact Person:

<i>Name:</i>	<i>Mark Mennucci</i>	<i>Roger Ravenstad</i>
<i>Title:</i>	<i>Associate Landscape Architect</i>	<i>Senior Landscape Architect</i>
<i>Dept.:</i>	<i>Community Development</i>	<i>Community Development</i>
<i>Phone:</i>	<i>510-494-4530</i>	<i>510-494-4723</i>
<i>E-Mail:</i>	<i>mmennucci@fremont.gov</i>	<i>rravenstad@fremont.gov</i>

RECOMMENDATION:

- 1. Approve the Plans and Specifications for the Bay Street Sign Project, City Project No. 8509C (PWC).*
- 2. Accept the bid and award the construction contract for Bay Street Sign, 8509C (PWC) to the lowest responsible bidder, Young Electric Sign Company, Inc. (YESCO), in the amount of \$108,500 and authorize the City Manager or his designee to execute the contract.*

2.6 ALAMEDA COUNTY SERVICE AGREEMENT

Determination that Expenditure of Redevelopment Agency Housing Funds Outside Redevelopment Agency Project Areas will Benefit such Project Areas

Contact Person:

<i>Name:</i>	<i>Bill Cooper</i>	<i>Elisa Tierney</i>
<i>Title:</i>	<i>Housing Project Manager</i>	<i>Redevelopment Agency Director</i>
<i>Dept.:</i>	<i>Office of Housing & Redevelopment</i>	<i>Office of Housing & Redevelopment</i>
<i>Phone:</i>	<i>510-494-4520</i>	<i>510-494-4501</i>
<i>E-Mail:</i>	<i>bcooper@fremont.gov</i>	<i>etierney@fremont.gov</i>

RECOMMENDATION: Staff requests that the City Council adopt a resolution a finding that the expenditure of Redevelopment Agency Housing Funds outside the Redevelopment Project Areas will benefit the Redevelopment Project Areas.

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

REDEVELOPMENT AGENCY – The Redevelopment Agency Board will convene at this time and take action on the agenda items listed on the Redevelopment Agency Agenda. See separate agenda (yellow paper).

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS

- 5.1 ST. JOSEPH’S SURPLUS LAND SUBDIVISION - 44411 MISSION BOULEVARD (PLN2010-00198)**
Continuation of Public Hearing (Published Notice) to Consider the Planning Commission’s Recommendation of a General Plan Amendment For a 3.7-Acre Portion of a 5.5-acre Site From Private Open Space to Low Density Residential, 3 to 5 Dwelling Units Per Acre, and Rezoning From O-S, Open Space, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District), in conjunction with a Planned Unit Development, Vesting Tentative Tract Map 8042, a Preliminary Grading Plan and Private Street For 16 Home Lots (Continued from September 28, 2010)

Contact Person:

Name:	Clifford Nguyen	Jeff Schwob
Title:	Associate Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4769	510-494-4527
E-Mail:	cnguyen@fremont.gov	jschwob@fremont.gov

1. Hold public hearing.
2. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, as shown in Exhibit “A” and find this action reflects the independent judgment of the City of Fremont.

3. Find that the General Plan Amendment, Rezoning, Planned Unit Development, Vesting Tentative Tract Map 8042, Preliminary Grading Plan, and Private Street (PLN2010-00198), as shown in Exhibits “B”, “C”, “D”, “E”, “F”, and “G” respectively, are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Land Use Chapter, as contained within the staff report.
4. Find that the proposed subdivision (Vesting Tentative Tract Map 8042), as shown in Exhibit “E” is consistent with the designations, goals, and policies of the City of Fremont’s General Plan, and that none of those findings requiring denial of vesting Tentative Tract Map 8042 can be made in this instance as set forth in Exhibit “H”.
5. Adopt a Resolution amending a 3.7 acre portion of the 5.5-acre site from Private Open Space to Low Density Residential, 3 to 5 dwelling units per acre as shown in Exhibit “B” (General Plan Amendment Map).
6. Waive full reading and introduce an ordinance amending the city’s zoning maps by rezoning a 3.7 acre portion of the 5.5-acre site from O-S, Open Space, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District) as shown in Rezoning Exhibit “C” (zoning map section).
7. Direct staff to prepare and the City Clerk publish a summary of the ordinance.
8. Approve the minor Modification to the Subdivision in accordance with Section 8-1800 to permit two irregularly shaped lots (Lots B and C) that are devoted as common open space lots maintained and owned by the future homeowner’s association.
9. Approve the Planned Unit Development, Vesting Tentative Tract Map 8042, Preliminary Grading Plan, and Private Street as shown in Exhibits “D”, “E”, “F”, and “G”, respectively, subject to findings and conditions in Exhibit “H”.
10. Approve the removal of Eucalyptus trees as shown in Exhibit “E” for the reasons stated in the staff report.

6. REPORT FROM CITY ATTORNEY

- 6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 CENTERVILLE FRAMEWORK PLAN

City Council and Agency Board Consideration of Key Components of the Framework Plan: Proposed Concept for Improvements to Fremont Boulevard, Urban Design Guidelines and an Approach to Public Parking Policy

Contact Person:

Name:	Josh Huber	Elisa Tierney
Title:	Redevelopment Project Manager	Redevelopment Director
Dept.:	Redevelopment Agency	Redevelopment Agency
Phone:	510-494-4513	510-494-4501
E-Mail:	jhuber@fremont.gov	etierney@fremont.gov

RECOMMENDATIONS:

Staff recommends that:

1. City Council authorize staff to research shared parking solutions southwest of Fremont Boulevard in the vicinity of Fremont Boulevard, Peralta, Maple Street and Church Avenue, and, to begin discussions with relevant property owners on the creation of a parking district, and to return with detailed information on the feasibility of shared parking.
2. City Council grant conceptual approval of proposed urban design guidelines. Authorize staff to incorporate the document in the upcoming General Plan update. Authorize staff to reproduce and distribute the urban design guideline document as a communication tool to make clear City desires regarding urban design of development in Centerville.

Furthermore, staff recommends that the Agency Board:

1. Agency Board authorize staff to research shared parking solutions and the formation of a parking district, and to return with detailed information on the feasibility of shared parking. Specifically, approve staff's recommendation to explore shared parking southwest of Fremont Boulevard in the vicinity of Fremont Boulevard, Peralta, Maple Street and Church Avenue, and to begin discussions with relevant property owners; and
2. Agency Board grant conceptual approval of staff proposed Fremont Boulevard improvements and direct staff to include the project in the next round under the CIP.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

- 8.1.1 COUNCILMEMBER CHAN REFERRAL: Request the City Council to Direct Staff to Return with a Resolution to Make the City of Fremont a Let's Move! City
- 8.1.2 COUNCILMEMBER CHAN REFERRAL: Request the City Council to Direct Staff to Return with a Healthy Eating Active Living (HEAL) Cities Campaign Resolution for Council Consideration

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



***2.3 Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Properties Located at 43116 Mission Boulevard and 111 Telles Lane from Single Family Residence R-1-20, Historic Overlay District (HOD), Hillside Combining District (H-I) and Single Family Residence R-1-20 (HOD)(H-I) Floodway (F-W) to Single Family Residence R-1-10(HOD)(H-I) and Single Family Residence R-1-20(HOD)(H-I)(F-W)**

ENCLOSURE: [Draft Ordinance](#)

RECOMMENDATION: Adopt ordinance.

***2.4 TEMPORARY REDUCTION OF DEVELOPMENT IMPACT FEES AND SELECTION OF STREET FURNITURE – MIDTOWN DISTRICT**

Continuance of a Public Hearing (Published Notice) to Consider a Resolution to Collect Development Impact Fees at 50% of their Full Amounts in the Midtown District within the Central Business District until December 31, 2013 and to Provide Direction to Staff on the Selection of Street Furniture for the Midtown District

Contact Person:

Name:	Wayne Morris	Jeff Schwob
Title:	Senior Planner	Planning Director
Dept.:	Community Development	Community Development
Phone:	510-494-4729	510-494-4527
E-Mail:	wmorris@fremont.gov	jschwob@fremont.gov

Executive Summary: Staff is requesting continuance to a date to be determined. Staff will separate these two items into separate reports for a future City Council meeting.

Streetscape Furniture

Landscape Forms and Forms +Surfaces are two manufactures who have loaned the City their products for three weeks of viewing until October 13, 2010. The Council is encouraged to view the street furniture prior to the rescheduled City Council meeting date.

ENCLOSURE: None

RECOMMENDATION: Continue to a date to be determined and direct the City Clerk to republish the appropriate public hearing notice.

***2.5 AWARD A CONSTRUCTION CONTRACT FOR THE BAY STREET SIGN (PWC8509C)**

Approve Plans and Specifications and Award a Construction Contract in the Amount of \$108,500 for the Bay Street Sign, City Project No. 8509C (PWC)

Contact Person:

Name:	Mark Mennucci	Roger Ravenstad
Title:	Associate Landscape Architect	Senior Landscape Architect
Dept.:	Community Development	Community Development
Phone:	510-494-4530	510-494-4723
E-Mail:	mmennucci@fremont.gov	rravenstad@fremont.gov

Executive Summary: This report recommends that the City Council approve the plans and specifications for the Bay Street Parking Lot Entry Sign project, accept the bid, and award the construction contract to Young Electric Sign Company, Inc. (YESCO) for the total lump sum contract amount of \$108,500.

BACKGROUND: In January 2003, the City was awarded a Transportation for Livable Communities (TLC) grant from the Metropolitan Transportation Commission (MTC) for the Bay Street Streetscape project. The TLC program provides grants for planning and capital projects that integrate walking, transit, and bike riding into the community design and that spur the compact development of housing, downtowns and regional activity centers.

In June 2004, the City Council approved the Bay Street Planned District and associated Bay Street Urban Design Guidelines and a schematic streetscape plan, which includes the Bay Street Sign. Implementation required the provision of additional street parking and a public parking lot to reduce on-site parking requirements and allow more intense development on properties fronting Bay Street. The City and Redevelopment Agency developed the streetscape design and implementation strategies over an eighteen-month period with extensive community involvement.

In May 2006, the City Council approved an alternative parking lot location on parcels fronting on Bay Street at the terminus of Papazian Way (4112 and 4120 Bay Street) as part of an amendment to the Bay Street Planned District. In June 2007, City Council awarded the construction contract for the Bay Street Parking Lot. While its primary purpose is to meet the parking needs of Bay Street businesses and local residents, the parking lot also offers an opportunity for alternate community uses, such as movie nights and holiday events. The parking lot construction was the first phase in the implementation of the Bay Street Streetscape Schematic Design adopted in the Planned District.

In May 2009, the City Council awarded the construction contract for the Bay Street Utility Underground District No. 36 to underground the overhead utilities in advance of the streetscape work. The underground construction is the second phase in the implementation of the Bay Street Streetscape Design.

In November 2009, the City Council awarded the construction contract for the streetscape portion of work, the third phase in the implementation of the Bay Street Streetscape. The project includes

improvements on Bay Street between Fremont Boulevard and Chapel Way, along Trimboli Way between Irvington Avenue and Bay Street, and along Papazian Way between Bay Street and Fremont Boulevard in the Irvington Planning Area. Specifically, the project includes street overlay and reconstruction, construction of wider sidewalks, curb ramps, curb and gutter installation, storm drain improvements, landscaping, pedestrian and decorative lighting, furniture installation, and on-street parking reconfiguration. The streetscape improvements are almost complete.

Project Description – The Bay Street Sign project is the final phase of improvements on Bay Street in the Bay Street Planned District. Specifically, the project includes structural concrete footings, 15 foot steel columns with pre-cast concrete column casings around the steel column, and a cantilevered, custom stainless steel sign identifying the parking lot. The sign will be lighted. All the work will be done within the entry planter between both parking lot driveways. The finished concrete surface under the sign will be flush with the new adjacent sidewalk to allow users barrier-free access to a proposed seat wall. Existing planting and irrigation will also be replaced.

DISCUSSION/ANALYSIS:

Bid Results: Two (2) bids were received on Thursday, September 9, 2010 for the Bay Street Sign project, City Project No. 8509C (PWC). Bids were received, as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>	<u>RANK</u>
Young Electric Sign Company, Inc (YESCO)	\$108,500.00	1
Golden Bay Fence Plus Iron Works, Inc.	\$109,758.00	2

The low monetary bidder, Young Electric Sign Company, Inc. (YESCO), submitted a responsive bid, is experienced in this type of project and is a responsible contractor.

FISCAL IMPACT: The estimated annual cost of maintenance for labor and materials throughout the Bay Street Streetscape for all the improvements completed, including the Bay Street Sign, is \$20,000. The Redevelopment Agency will fund this additional cost an a temporary “grow in” and defect period.

PROJECT COSTS AND FUNDING: The following is a summary of actual and estimated project costs for all phases of the Bay Street Streetscape Project:

Environmental Consultants & Staff	\$182,200.00
Right of Way Acquisition	\$2,137,000.00
Right of Way Staff Time	\$204,000.00
4110 & 4120 Bay Street Demolition – Construction & Staff, 8509D(PWC)	\$57,300.00
Bay Street Parking Lot – Construction & Staff, 8509A(PWC)	\$654,500.00
Bay Street Sign – Construction 8509C(PWC)	\$108,500.00
Streetscape Engineering, Design & Administration, 8509B(PWC)	\$700,000.00
Streetscape Construction Contract (Low Bid)	\$2,362,089.22
(Includes \$266,000 in Construction Contingency)	
Construction Inspection, Surveying and Administration (estimate)	\$450,000.00
Project Contingencies	<u>\$300,000.00</u>
Total Estimated Cost:	\$7,155,589.22

Funding programmed for the sign project is as follows:

<u>Source</u>	<u>Description</u>	
Fund 951	Redevelopment Funds	<u>\$108,500.00</u>
Total Estimated Available Funding		\$108,500.00

Based on the current project estimate, there are sufficient funds remaining in this project.

ENVIRONMENTAL REVIEW: A Mitigated Negative Declaration (PLN2004-00277) for the Bay Street Streetscape project was adopted by City Council on May 23, 2006, in conformance with the requirements of the California Environmental Quality Act (CEQA), with a finding that there is no substantial evidence that the project, as mitigated, will have an adverse effect on the environment. No changes to the project or its circumstances have occurred and no new information has become available since adoption of the project mitigated negative declaration that would require preparation of additional environmental documentation

ENCLOSURE: [Entry Sign Elevation \(For Information Only\)](#)

RECOMMENDATION:

1. Approve the Plans and Specifications for the Bay Street Sign Project, City Project No. 8509C (PWC).
2. Accept the bid and award the construction contract for Bay Street Sign, 8509C (PWC) to the lowest responsible bidder, Young Electric Sign Company, Inc. (YESCO), in the amount of \$108,500 and authorize the City Manager or his designee to execute the contract.

***2.6 ALAMEDA COUNTY SERVICE AGREEMENT**

Determination that Expenditure of Redevelopment Agency Housing Funds Outside Redevelopment Agency Project Areas will Benefit such Project Areas

Contact Person:

Name:	Bill Cooper	Elisa Tierney
Title:	Housing Project Manager	Redevelopment Agency Director
Dept.:	Office of Housing & Redevelopment	Office of Housing & Redevelopment
Phone:	510-494-4520	510-494-4501
E-Mail:	bcooper@fremont.gov	etierney@fremont.gov

Note: A companion items is included on tonight's Redevelopment Agency agenda.

Executive Summary: The City's Neighborhood Home Improvement Program, funded with Redevelopment Agency affordable housing funds, provides home improvement loans and grants to eligible owners of residential properties located in the Irvington, Niles and Centerville Redevelopment Project Areas and adjacent target area neighborhoods. Previously, the Agency has contracted with Alameda County for administrative and construction management services. In the Redevelopment Agency companion item, staff is requesting that the Agency Board (1) authorize the Agency to enter into a 2-year service agreement with Alameda County for the continuation of administrative services and (2) approve an increase in the maximum loan amount from \$60,000 to \$95,000 per project. On June 8, 2010, the Agency Board appropriated \$400,000 to this Program for FY 2010/11. No new funds are being requested.

Homes rehabilitated with Agency funds are located inside and outside the redevelopment project areas. Thus, City Council approval is also required as Agency Housing Funds may not be used to fund projects outside established redevelopment project areas without a determination by both the City Council and the Agency Board that such use would benefit the project areas, under Health and Safety Code Section 33334.2 (g). Staff recommends that the City Council adopt a resolution finding that the expenditure of Redevelopment Agency Housing Funds outside the Redevelopment Project Areas will benefit the Redevelopment Project Areas.

BACKGROUND: In 1999, the Agency Board approved the use of Agency affordable housing funds to provide low-interest loans and grants to low and moderate income owners of single-family residential properties located in the Irvington, Niles and Centerville Redevelopment Project Areas and adjacent target-area neighborhoods. The financial assistance can be used to address health and safety deficiencies and code violations, as well as general property improvements such as roof repair or replacement, painting, kitchen and bathroom remodel, plumbing and electrical system upgrades, landscaping and fencing and foundation repair. To date, approximately \$2 million of Agency affordable housing funds have been expended through the Neighborhood Home Improvement Program (Program) to improve 39 properties in the redevelopment project areas and adjacent neighborhoods. Seven rehabilitation loan projects are underway. The maximum loan assistance amount per borrower has been limited to \$60,000 since 2000. The interest rate for these loans is 3% simple with a term of 30 years for both deferred loans and amortized loans requiring a monthly payment. Loan recipients are also eligible

for consideration of a maximum \$3,000 incentive grant. The Agency does not receive housing production credit for monies spent on single-family home rehabilitation projects.

Annual Program Goal and Budget: On June 8, 2010, the Agency Board approved the Agency's operating budget for FY 2010/11, appropriating \$400,000 of Agency affordable housing funds to the Neighborhood Home Improvement Program. The Program's annual goal and budget for FY 2010/11 are presented in the chart below:

PROGRAM GOALS AND BUDGET FOR FY 2010-11		
	Amount	Percent
Goal: Estimated Number of Projects =>	5-6*	
Direct Construction Costs (funded by rehabilitation loan and incentive grant)	\$323,333	81%
Alameda County Project Fee (20% of Direct Construction Costs)	\$64,667	16%
Subtotal -Total Project Cost Before Administrative Fee	\$388,000	97%
Alameda County Program Administrative Fee (3% of Total Contract Amount)	\$12,000	3%
Program Total (Annual Contract Amount)	\$400,000	100%
*The Program's goal is to complete 5-6 projects for the year.		

The proposed service agreement with Alameda County will not exceed \$800,000, or \$400,000 for each fiscal year. Of this yearly total, approximately \$323,333 would go towards direct construction costs (i.e., contractor reimbursements) and approximately \$76,667 would be allocated to Alameda County for project fees and administration costs that include the services of a rehabilitation specialist, loan underwriter and loan closer.

Following adoption of the Plan Amendment, which became effective June 15, 2010, the Agency anticipates collecting additional tax increment revenues for low and moderate income housing set asides. Staff expects that a similar level of funding for the Neighborhood Home Improvement Program will be appropriated for FY 2011/12; however, no appropriation of future funding has been made.

In April 2010, the City Council approved funding for FY 2010/11 and FY 2011/12 for Alameda County to administer the CDBG-funded portion of the Neighborhood Home Improvement Program, which provides home rehabilitation assistance to eligible Fremont homeowners with homes located outside the redevelopment project areas. The Alameda County fee rate for providing administrative services is the same for both the City and the Agency contracts. Since the City Council has already authorized Alameda County to administer the CDBG-funded part of the Program, staff believes that it would be beneficial to the administration of the Program to have Alameda County assist in the administration of the Agency-funded portion of the Program, as well. Staff is therefore requesting the Agency Board to authorize the Agency to enter into a 2-year service agreement with Alameda County for the continuation of administrative services for the Neighborhood Home Improvement Program.

Request for Loan Increase and Green Building Measures: The use of green building practices and energy conservation measures is encouraged in Neighborhood Home Improvement Program projects.

These measures not only benefit the environment, but from a personal level they can help homeowners lower their utility bills and increase the comfort, value and appeal of their homes. Homeowners can also be rewarded with tax incentives and financial rebates for certain energy efficiency improvements. For these reasons, many Program participants have shown an interest in incorporating green building and energy efficiency measures, such as dual-glazed windows, solar water heating, photovoltaic energy systems, insulation upgrades, Energy Star appliances, tank-less water heaters, and construction waste separation, in their projects. In many instances, however, participants' budgets will not allow for the incorporation of some of these cost-saving measures because their home, which is older, may have basic repair needs that exceed the maximum \$60,000 of loan assistance allowed under the Program, which has been at this level since 2000.

Construction costs have increased over the past 10 years, such that \$60,000 is no longer adequate to fund construction projects desired by many program participants. As a result, these homeowners may need to forgo some of the needed repairs, including green building measures, to stay within the confines of the Agency's available financial assistance. To better assist Agency customers in meeting their home improvement needs, staff is recommending that the Agency Board approve an increase in the maximum loan amount from \$60,000 to \$95,000 per project. This proposed increase in financial assistance would provide participants with the resources needed to make vital repairs to their homes.

Benefit to Redevelopment Project Areas: The use of Agency Housing Fund monies to fund the portion of the Program with projects located outside the project areas will serve to improve the supply of housing available at affordable housing cost to people who reside or work in or near the project areas, and enhance the overall appearance of the community and the gateways to the project areas, encouraging property owners to further improve their properties, and thereby providing benefit to the project areas and assisting in their redevelopment.

FISCAL IMPACT: None. No new funds are being requested. It should be noted, however, that an increase in the per-project funding limit means that the Agency would be able to fund fewer rehab projects.

ENVIRONMENTAL REVIEW: This program is exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline 15301, Minor Alterations to Existing Structures, as determined by the Agency.

ENCLOSURE:

- [Draft Resolution](#)

RECOMMENDATION: Staff requests that the City Council adopt a resolution a finding that the expenditure of Redevelopment Agency Housing Funds outside the Redevelopment Project Areas will benefit the Redevelopment Project Areas.

**5.1 ST. JOSEPH'S SURPLUS LAND SUBDIVISION - 44411 Mission Boulevard
(PLN2010-00198)**

**Continuation of Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation of a General Plan Amendment For a 3.7-Acre Portion of a 5.5-acre Site From Private Open Space to Low Density Residential, 3 to 5 Dwelling Units Per Acre, and Rezoning From O-S, Open Space, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District), in conjunction with a Planned Unit Development, Vesting Tentative Tract Map 8042, a Preliminary Grading Plan and Private Street For 16 Home Lots
(Continued from September 28, 2010)**

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Executive Summary: On September 28, 2010, the City Council continued this item to October 12, 2010. The applicant requests approval of a subdivision for 16 homes on a site principally located behind the St. Joseph's Cemetery, a Fremont Register Resource. In July 2010, the Historical Architectural Review Board (HARB) recommended denial of the applicant's proposal of developing the area behind the cemetery with 17 homes. HARB strongly felt that the complete open space setting behind the St. Joseph's Cemetery (a former peripheral cemetery area) contributed to the historic character of the site. HARB also recommended implementation of specific design and development measures should approval of a subdivision subsequently be granted by the City Council.

The applicant revised to proposal from 17 homes to 16 homes, prior to the Planning Commission hearing. In August 2010, the Planning Commission unanimously recommended approval of the applicant's revised project. The project was reduced from 17 lots to 16 lots; revised to include a large open space behind the cemetery; and, proposed with increased building setbacks through the implementation of a Planned Unit Development. The applicant incorporated these additional changes in response to concerns of HARB and the neighbors. Staff and the Planning Commission recommend approval of the General Plan Amendment, Rezoning, and other land use approvals to facilitate development of the subdivision for 16 new homes.

BACKGROUND: After Mission San Jose was established in 1797, the site was most likely used for grazing purposes for livestock belonging to the Mission. At some time between 1878 and 1883, the property came under the ownership of Don Juan Gallegos, owner of the Palmdale Estate and an early St. Joseph's parishioner.

In 1883, Don Juan Gallegos deeded about 5 acres of the property to the Archbishop Joseph. S. Alemany of the Archdiocese of San Francisco. The St. Joseph's Cemetery was established on the property in 1887. The cemetery association also includes interment of prominent local figures in Washington Township (Towns of Mission San Jose and Irvington) and agricultural/ranching patterns during the period of significance, including members of the Andrade, Gomes, Telles, and Vargas families.

In 1967, the Fremont Register (then referred to as “Primary Historic Resource Map”) was created. The St. Joseph’s Cemetery is listed as a Register Resource in the Fremont Register in accordance with Article 19.1 of the Zoning Code. The St. Joseph Cemetery is listed as “St. Joseph’s Catholic Cemetery, 44000 block of Mission Boulevard”, a “building and site resource” with a “church” theme. It presently exists on the east side of the site and fronts Mission Boulevard. A graveled driveway which also provides an informal parking area for visitors flanks its north side. The proposed development area of about 3.2 acres is located on the west side of the site or directly behind the cemetery. The development area was used in the past as a peripheral, indigent cemetery where the “disinterment” (removal of human remains) of 251 burial sites by the property owner for “reinterment” (reburial) within the formal cemetery grounds occurred in 2007. This 3.2-acre development area combined with the undeveloped 0.5-acre area to the north of the formal cemetery, form the 3.7-acre development area of the 5.5-acre project site. The easterly half of the site is located within the Mission San Jose HOD.

A recently prepared historic resource evaluation concluded that the cemetery appears to be eligible for listing in the California Register of Historical Resources under two criteria: Criterion A, being associated with events that have made a significant contribution to the broad pattern of California’s history and cultural heritage; and, Criterion B, is associated with the lives of persons important in our past. Given its existence for more than 100 years, while the cemetery is not highly organized, nor has it been continuously maintained, the cemetery remains relatively intact and contains visual and physical features that are important components of historic character that contribute to its setting and feeling of being associated with lives of important persons in the past and development of the Washington Township. Certain key character-defining features of the cemetery include:

- A pedestrian stairway from Mission Boulevard with an arched sign with the inscription “St. Joseph’s Cemetery.”
- A rough-textured masonry wall on along the Mission Boulevard frontage.
- Slight varying topography that creates a low saddle within the Cemetery grounds.
- Shrubs, bushes and trees of variety species, sizes and ages, with a row of taller eucalyptus trees on the north edge of the Cemetery.
- North-south walkways separate the rows of burial plots are paved with stone slabs.
- A wide variety of grave markers: headstones, tablets, obelisks, bevel and slant markers, decorative wrought iron crosses, and simple wood crosses.

In July 2010, the Historical Architectural Review Board (HARB) considered the applicant’s initial proposal of a subdivision for 17 new homes with a smaller open space area behind the cemetery. HARB found the proposal incompatible with the character of the historic cemetery and the HOD and recommended denial. (Refer to the “July 2010 HARB Hearing” section at the end of this report for a full discussion.)

In August 2010, the Planning Commission unanimously recommended approval of the revised project containing a subdivision reduced to 16 home lots. (Refer to the “August 2010 Planning Commission Hearing” section at the end of this report for a full discussion.)

In September 2010, the City Council continued the public hearing for the project to tonight’s hearing.

PROJECT DESCRIPTION: The project applicant has proposed to subdivide a 5.5 acre site into 16 home lots (Lots 1-16), a lot containing the St. Joseph's Cemetery (Lot A), and two common open space lots (Lots B and C).

To complete the subdivision, the applicant has requested the following entitlements, which include:

- *General Plan Amendment (GPA)* to change the land use designation of a 3.7 acre portion of the 5.5-acre site from Private Open Space to Low Density Residential, 3 to 5 dwelling units per acre as shown on Exhibit "B."
- *Rezoning* to change the applicable zoning district of a 3.7 acre portion of the 5.5-acre site from O-S, Open Space, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District) as shown in Exhibit "C."
- *Planned Unit Development (PUD) Resolution* to permit the creation and maintenance of open space area between the future new homes and the St. Joseph's Cemetery and to augment design standards consistent with the R-1-6 (Hillside Combining District standards) as shown in Exhibit "D." The common open space area plan includes removal of the unhealthy existing trees, including the large eucalyptus trees along the north and west side of the cemetery, and installing new landscaping. An open fence is proposed along the driveway entrance on the north edge of the cemetery and a taller solid wall with a staging area for the cemetery along the west edge, adjacent to the future homes.
- *Vesting Tentative Tract Map 8042* to subdivide the 5.5-acre site into 16 home lots, a larger lot containing the 1.8-acre St. Joseph's Cemetery, and two common lots for open space and landscape as shown in Exhibit "E." The subdivision will also include installation of storm drainage systems, domestic water system, sanitary sewer system, and dry utilities (electric, telephone, cable). Grading work proposed for the subdivision would create home building pads and access. Mission Boulevard median improvements are also required.
- *Preliminary Grading Plan* to allow approximately 24,500 cubic yards of total grading (cut and fill) as shown in Exhibit "F."
- *Private Street* to permit the construction of a new private street from Mission Boulevard to serve the proposed subdivision and cemetery as shown in Exhibit "G." The applicant will replace the current driveway on Mission Boulevard with a new driveway. The private street flanks the northern edge of the cemetery and will provide on-street parking for the cemetery and future residents. A new monolithic attached sidewalk will be constructed on the south side of the proposed private street.

It should be noted that no individual homes are proposed at this time. Approval of the subdivision would permit subsequent new home construction with one home situated on each lot in compliance with the Hillside Combining District standards and the R-1 zoning requirements. Additionally, the proposed PUD establishes and maintains common open space lots and augments standards to require further separation or building setback for some of the lots in the subdivision.

DISCUSSION/ANALYSIS:

General Plan Conformance:

The existing General Plan land use designation for the project site is Private Open Space. The General Plan Land Use Policy 4.1 describes Private Open Space as privately held land permanently committed to open space uses. Typical private open space uses encompass park, recreation, agriculture, or natural resource preservation areas restricted by a property instrument or other encumbrance. The easterly portion of the site also has the Mission San Jose Historic Overlay designation. The General Plan Land Use Policy 7.1 describes historic overlays as identified important areas incorporating historic resources and adjacent areas important to the character of the area. Development is subject to architectural review within an historic overlay.

The development proposal requires an amendment from private open space to low density residential for 3.7 acres of the 5.5-acre site to develop the subdivision. The St. Joseph's Cemetery's will retain the current land use designation as private open space. The following General Plan Goals and Policies are applicable to the project:

LAND USE GOAL1: *New housing development while conserving the character of the city's existing single-family residential neighborhoods.*

Analysis: Staff finds that while the proposed lots within the subdivision are not the same size of lots located within neighboring subdivisions, the proposed development is consistent with this goal because the future homes will be of the same use and type of single-family character as its surroundings. The City's General Plan does not dictate zoning combinations and compatibility through lot size (e.g., R-1-8 district with minimum 8,000 s.f. lots could be adjacent to a R-1-6 district with minimum 6,000 s.f. lots; or, allowances exist to cluster homes for open space preservation). Staff's opinion is that the site, in and of itself, is sufficiently sized to afford a compatible development of 16 lots of 6,000 square feet or larger. The development would have its own character and does not have to duplicate the character and mass precisely of its surroundings and to what has been approved in the past. In particular, the development would neither take access from any existing residential collector street from a neighboring development nor would the front yards of the proposed home lots be situated directly opposite of front yards of larger existing home lots. Except for two side yards (where setbacks are increased to at least 15 feet and 30 feet as called out in the proposed PUD), the proposed home lots interface their backyards with backyards of the existing adjacent developments.

LAND USE POLICY 7.3: *...It is the intent of the City to require, where feasible, the preservation of Fremont Register Resources. It is the policy of the City to protect, enhance, perpetuate and use structures, sites, and areas which are reminders of past eras, events, and persons important in local, State and National history...The public health, safety and welfare of the community require the prevention of needless destruction and impairment, and promotion of the economic utilization of such structures, site and areas.*

Analysis: The proposed project implements this land use policy. The primary reason for historical significance are the physical makeup of the cemetery proper (e.g. layout, markers) and the association of the cemetery with burial of prominent figures. The subdivision improvements and future construction of additional new homes are similar to the site's current surroundings and do not alter the cemetery itself.

The project design meets the Secretary of the Interior's Standards for Rehabilitation by minimizing impacts on the cemetery as described in this report.

Zoning:

The project includes a rezoning from O-S, Open Space District, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District) for the area covered by the proposed 16 residential lots. The remainder of the site would retain their O-S (HOD) Open Space (Historic Overlay District) zoning. The proposed R-1-6 (H-I) zoning district would allow a single-family home on each proposed lot subject to standards contained in Articles 6 (R-1 Single-Family Residence District) and 18.2 ((H-I) Hillside Combining District), which include, but are not limited to:

- 30-foot height restrictions (as measured to the highest roof point);
- Limitations on grading to accommodate future home foundations and patios; and
- Restrictions on retaining wall heights and locations proposed individually for each home design.

The eventual development of homes within the proposed tract will subject City's site plan and architectural review process during building permit review. The individual home sites themselves are not located within the HOD. Since the proposed design of the tract and preliminary grading plan conform to the City's hillside standards, future development of these homes will achieve compliance with these standards at the time of their subsequent construction.

Highlighted below are applicable standards for the proposed subdivision and preliminary grading plan:

St. Joseph Tract 8042 and Preliminary Grading Plan		
R-1-6 Standards	Analysis	Compliance Met?
Setbacks (for future homes)	Future development of homes within the tract can be sufficiently accommodated in conformance with the prescribed setback standards. The R-1-6 building setbacks are: a 20-foot front yard setback; a 25-foot rear yard setback; and, minimum side yard setbacks of 5 feet, total both sides 12 feet (or 6 feet, total both sides 15 feet for 2-story structure).	Yes
6,000 S.F. Min. Lot Size	The smallest lot (Lot 16) proposed is 6,019 square feet.	Yes
Lot Dimensions of 55 feet by 100 feet	The smallest lot width is 55 feet. The smallest lot depth dimension is 108 feet.	Yes
35' Min. Street Frontage	The smallest street frontage (Lot 9) is 41 feet.	Yes

St. Joseph Tract 8042 and Preliminary Grading Plan		
H-I Standards	Analysis	Compliance Met?
3' Max. Retaining Walls	No retaining walls exceed three feet in height.	Yes
Exterior grading no greater than 3:1 slope (or 33%)	The proposed grading does not exceed a three horizontal to one vertical (3:1) slope.	Yes
2% Increase in Lot Area Based on Land Slope	The standard requires a two percent increase in lot area for each one percent of land slope in excess of six percent. Based on the percent of land slope of individual lots in excess of six percent within the tract, all lots exceed their respective minimum lot area increase (refer to "Lot Area and Width Requirements Table", Sheet 1 of Exhibit "E").	Yes
2% Increase in Lot Width Based on Land Slope	The standard requires a two percent increase in lot width for each one percent of land slope in excess of six percent (project existing slopes range from 1% to 14.3%). Based on the percent of land slope measured at the location of building setbacks (or future home footprint) for each individual lot in excess of six percent within the tract, the slight increase in lot width varies. Each proposed lot exceeds these lot width increases of up to a calculated maximum of five feet for any lot within the tract (refer to "Lot Area and Width Requirements Table", Sheet 1 of Exhibit "E").	Yes

Since the project site is located west of Mission Boulevard, it is located outside of the "hill area" as defined by the voter-adoption of the 1981 Measure A and 2002 Measure T Hill Area Initiatives.

Planned Unit Development (PUD)

The applicant has requested a PUD to create, establish, and maintain common open space lots that increase the separation of the new development from the historic cemetery and to create additional setback buffer for existing homes to the west. The PUD is not a required component of the proposal since the project does not deviate from any of the City's R-1-6 (Hillside Combining District) development standards. The PUD will reinforce existing standards and guidelines and augment the standards with specific additional requirements for developers and eventual homeowners to follow:

- Development of individual homes must meet the R-1-6 (Hillside Combining District) standards of building and yard (setback) requirements;
- An increased side yard setback of no less than 15 feet shall be provided on west side of Lot 9 and a side yard setback of 30 feet shall be provided on the west side of Lot 10 to increase the privacy of the adjacent neighboring lot;
- Landscaping on lots 9 and 10 shall form an evergreen screen wall at the terminus of the private street;
- The City's two-story single-family design guidelines for new homes must be followed;
- Individual home designs shall be subject to the review and approval of Community Development staff;

- Driveway cuts for lots 11 and 12 shall be considered from the stubbed turnaround;
- A homeowners association shall be established and maintain all common open space lots, common improvements, and the private street; and,
- All common open space, trees, landscape, street lighting and utilities shall be maintained in good condition by the homeowners association.

Parking:

The project design provides a total of 33 guest parking spaces within the proposed private street (24 are located adjacent to the cemetery and 9 adjacent to the future homes), and the proposed size of the single-family lots is sufficient in providing future covered parking (via garage parking with additional guest parking on driveway aprons) in compliance with the minimum off-street parking standards.

Design Analysis:

In accordance with California Environmental Quality Act, the City must analyze whether there could be a “substantial adverse change” in the significance of an historical resource. Generally, projects that follow The Secretary of the Interior’s Standards for Rehabilitation are considered effects at a level of less than a significant impact upon historical resources.

Site Planning, Architecture and Setting based upon The Secretary of Interior’s Standards for Rehabilitation:

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Analysis: The grounds of the Fremont Register Resource, i.e., the St. Joseph’s Cemetery proper, will remain unchanged. The distinctive features are the layout of the cemetery and gravestones within the cemetery. The applicant does not intend to remove any existing improvements within the cemetery. Landscaping and vegetation will change along with the construction of the guest parking along the proposed private street adjacent to the northerly edge of the cemetery for visitors. The guest parking replaces the informal parking and access provided by the unimproved driveway in the same location. There is no change to the cemetery use and the plan does not adversely affect the cemetery’s distinctive characteristics

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Analysis: The relationships to the surrounding are a setting of modern single-family subdivisions and frontage on Mission Boulevard. The project does not include direct alteration of the cemetery site. However, based on the recommendations of an arborist and City Landscape Architect, the adjacent bordering eucalyptus trees will be removed due to poor health and hazardous conditions. The trees do provide a sense of space in the setting for the north edge of the cemetery, but are not believed to be trees planted with a specific purpose or significance to the cemetery. An open space area is created behind the cemetery to increase the buffer area between the cemetery and future homes. New landscaping and a contemporary fence will provide a defined edge to the cemetery as a transition to the new development. These changes do alter the apparent boundary of the site and

sense of age due to the size of the trees. However, the trees are unhealthy (previously topped) and not appropriate for retention. The removal of the trees does not alter the spatial pattern of the cemetery and historic entry and use patterns of the cemetery. The public will still experience the historic quality of the cemetery with the remaining visual and physical features contributing to the historic character of the cemetery.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Analysis: This standard is not applicable as there are no proposed changes to the historic resource. All adjacent improvements will be distinguished by contemporary treatments.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Analysis: The subdivision map (Vesting Tentative Tract Map 8042, Exhibit "E") has a separate lot (Lot A) for continued ownership of the cemetery separate from the new homes. This ensures that the cemetery will not be directly altered as a result of the proposed development. Additionally, two common lots behind the cemetery will provide an open space with new trees for screening

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Analysis: This standard is not applicable as there are no proposed changes to the historic resource.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

Analysis: This standard is not applicable as there are no proposed changes to the historic resource.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Analysis: This standard is not applicable as there are no proposed changes to the historic resource.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

Analysis: Based on a Phase I archaeological assessment of the project site, there is no evidence of historic or prehistoric cultural indicators within the grounds of the St. Joseph's Cemetery.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be*

differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Analysis: Although no improvements or alterations are proposed within the formal grounds of the cemetery, an open wrought-iron looking steel fence is proposed adjacent to its northerly edge and a simple solid wall color treated in gray adjacent to its westerly edge (or rear). These indirect alterations will be differentiated from the old to protect the integrity of the cemetery (i.e., they do not match historic feature of the rough-textured low wall at the front of the cemetery). The design of the open steel fence is conditioned to be no taller than four feet and color treated a dark bronze. A condition will require the planting of Boston Ivy vines on the wall to make it further blend in with the cemetery. Thirty-six large 36-inch box trees, such as arbutus marina, coast redwoods, and coast live oaks will be planted within the open space lots behind the cemetery to screen and act as a buffer. Lastly, sixteen additional 24-inch box trees will be planted along the private street from Mission Boulevard adjacent to the existing neighborhood development to the north.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Analysis: The project plans take care in preserving the cemetery site and respecting the edge treatment and transition to the new homes (see site plan analysis). Overall, staff finds that the project does not diminish the significance of the cemetery to a point where its integrity, relationship, and association to the past is lost.

Visual Resource Impacts (Site Planning/Landscape): The site alterations under consideration for this project are the indirect effects of an additional single-family home development within the Mission San Jose HOD and adjacent to the cemetery. The project design elements that most directly influence the cemetery are the proposed black asphaltic private street along the north and west boundary of the cemetery and installation of new landscape and fencing to secure and separate the site from the homes.

The future home proposed on Lot 1 could be as close as 35 feet to the closest burial marker/plot. However, all homes will be separated from the cemetery by a solid wall, a large landscaped open space with several trees. A new monolithic sidewalk in a standard concrete finish will be constructed and attached to the private street. To ensure that other project elements are not so imposing as to overwhelm the overall historic appearance and character of the cemetery, the design intentionally avoids special paving, development monument signs, or other landscape structural elements. A private street design is the best option in this case to minimize amount of paving that would otherwise be created by a standard minor residential public street (with a standard uniform curb-to-curb width of 32 feet). Careful consideration of these features is important to ensure that any beautification efforts adjacent to the cemetery do not diminish the cemetery's character.

An open wrought-iron looking steel fence is proposed adjacent to the cemetery's northerly edge for its entire length. The open fence would maintain a visual connection from the private street and its visitor on-street parking proposed to the cemetery. Despite the interest by all parties to retain the eucalyptus trees adjacent to the cemetery their health and safety has degraded to a point that require removal. The City Landscape Architect and a separate arborist report identify the natural integrity of the trunks and

issues with severe “topping” of the trees has created a condition where the trees can not recover and be viable healthy trees. In accordance with the Fremont Municipal Code Tree Preservation Ordinance, such trees that are unhealthy and create a hazard to the nearby public should be removed and replaced with appropriate trees that can mature and provide quality aesthetic and ecological benefits to the surroundings.

Along the west edge adjacent to the cemetery, a solid wall six feet in height will act as screening and provide for privacy. The design of the solid fence is simple and will be color treated gray to blend in with the cemetery’s background. Several conifer and screen trees (sequoia redwoods and marina strawberry) would be installed next to the wall and within the common parcels. Similar large tree types will be planted along the north edge of the cemetery. The size and scale of the wall design is not imposing and intended to separate the cemetery from the new homes.

Staff believes that a few refinements are necessary to further the designs goal of ensuring compatibility with the HOD standards and adjacency to the cemetery. To that end, staff recommends the following site design conditions:

1. The open wrought-iron looking steel fence adjacent to the northerly perimeter of the cemetery should be color treated a dark bronze and reduced from six feet to a height of no greater than four feet.
2. The design of the pre-cast concrete solid wall at the rear or adjacent to the westerly edge of the cemetery should be subject to final review and approval by staff. Boston Ivy vines should be planted on both sides of the wall.

Proposed Tentative Tract Map 8042:

As set forth in the General Plan conformance analysis, the proposed project, including proposed Vesting Tentative Tract Map 8042, conforms to the General Plan. Additionally, based on the following analysis and subject to approval of a minor modification under the subdivision ordinance, the lots to be created by Vesting Tentative Tract Map conform to the Zoning Ordinance and none of the disqualifying factors set forth in FMC Section 8-1418 [Disapprovals of tentative maps] are present.

Under FMC Section 8-1515, Lot Standards, the proposed Vesting Tentative Tract Map 8042 must meet the following principals and standards:

- (1) The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance for the district in which the subdivision is located.

Analysis: All lots conform with the minimum lot area and dimensions of the proposed R-1-6, Hillside Combining District, except for common Lots B and C that establish common open space in perpetuity between the new future homes and the St. Joseph’s Cemetery. To allow an exception for Lots B and C, a minor modification to the subdivision ordinance is recommended. (See “Minor Modifications to Subdivision” section that follows below.)

- (2) The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.

Analysis: The side lines of all the residential lots, to the extent practicable, are at right angles to the private street as shown in VTTM 8042 (enclosed Exhibit “E”).

- (3) No lot shall have a street frontage less than thirty-five feet, except for nonconventional residential lots, subject to approval by the reviewing agency.

Analysis: No lots have a street frontage of less than thirty-five feet.

- (4) No lot shall have a width less than forty-five feet at the building setback line, except for non-conventional residential lots, subject to approval by the reviewing agency.

Analysis: No buildable lots have a width less than forty-five feet at the building setback line. This standard is not applicable to common Lots B and C dedicated entirely to open space. Deed restrictions shall be recorded on Lots B and C to restrict construction of buildings within said lots.

- (5) Corner lots for residential use shall be platted a minimum of ten feet wider than interior lots in order to permit conformance with the required street side yard requirements of the zoning ordinance.

Analysis: The corner lot in the subdivision is a common open space lot with several proposed new trees where no building structures may be constructed. As such, standard is not applicable.

- (6) No lot shall have a depth of less than one hundred feet, except for non-conventional residential lots, subject to approval by the reviewing agency.

Analysis: All lot depths exceed one hundred feet.

- (7) No lot shall be divided by a city boundary line.

Analysis: Not applicable. The project site is located entirely within the City boundary line and all utilities have been annexed to provide services.

- (8) A lot depth in excess of twice the width shall be avoided whenever possible, except for non-conventional residential lots, which shall generally not have a lot depth in excess of three times the width.

Analysis: The proposed lot depth for each proposed home lot does exceed twice the length of its respective lot width.

- (9) No remnants of property shall be left in the subdivision which do not conform to lot requirements, and are not required for a private or public utility purpose.

Analysis: Two common area parcels will be created to provide a buffer from the cemetery. These parcels will be maintained by the HOA.

- (10) No “flag lot” shall have a street frontage less than twenty feet.

Analysis: Not applicable. No flag lots are proposed within the project.

Minor Modifications to Subdivision. A minor modification from the Subdivision Ordinance under Section 8-1800 is requested to permit two irregularly shaped lots (Lots B and C). These lots will be devoted for common open space and will be maintained and owned by the future homeowner’s association. The minor modification is warranted because of the need for open space buffer to retain and preserve the historic value of St. Joseph’s Cemetery, and because it would be impractical for the applicant to fully conform to the subdivision ordinance in creating two narrower common lots (i.e., less than 55 feet width). These two common lots will serve the principal purpose of, and be devoted to, providing a buffer between the proposed future homes and the St. Joseph’s cemetery. A condition is included below to ensure that a deed restriction is recorded on the title of each lot to restrict their uses as common open space.

View Impacts:

The lot pattern of the subdivision steps into the natural topography, maintains a partial view corridor to the west over the private street. The General Plan identifies Mission Peak and the visible hill face two miles directly east of the project site as “visual resources” and Mission Boulevard as a local scenic route. The development of the proposed project with a potential of two-story homes does not impact or alter the identified resources as the site is situated west of the St. Joseph’s Cemetery and Mission Boulevard with intervening existing development at higher elevations between the site and resources.

Street Right-of-way Improvements:

The project site is located off of Mission Boulevard in the Mission San Jose District. Mission Boulevard is a four-lane divided arterial with a bike lane in each direction. The developer will be required to remove the existing driveway on Mission Boulevard and construct a new 34-foot City standard Type E driveway. The developer shall also modify (shorten) the existing raised median on Mission Boulevard just north of Chantecler Drive to facilitate left turns out of the project driveway on to northbound Mission Boulevard. All improvements will be constructed per City standards to match the existing surroundings.

Circulation/Private Street Design: The new private street will be aligned across from Chantecler Road at the existing intersection with Mission Boulevard. The design allows both left and right turns into and out of the development to Mission Boulevard. Mission Boulevard along the project frontage has a posted speed limit of 45 mph and consists of four vehicle travel lanes, a raised median, median left turn lanes, bicycle lanes and sidewalks.

A sight distance analysis performed at the project driveway on Mission Boulevard indicates 515 feet is needed to provide proper corner sight distance. Prohibition of on-street parking on Mission Boulevard and an eight foot bicycle lane help provide a clearer line of sight for motorists exiting the site. A field and aerial photo review indicates there will be approximately 520 feet of sight distance from the project driveway to a point north of the driveway. A review of the five year collision history at the intersection also indicated a good accident record with no reported incidents. Therefore, staff concludes that there is adequate sight distance for vehicles to access Mission Boulevard from the proposed project driveway. A condition will be included to require the applicant to remove any debris and weeds and prune overgrown

trees adjacent to the project driveway within the public right-of-way to ensure that a proper line of sight is preserved and maximized at the time of the development.

On-site vehicle circulation will be provided by a private street designed according to the Fremont Development Policies for private streets located in the hill area (Development Standards for Hillside Streets adopted in 1982; and, Development Policy for Private Streets adopted in 1984). The proposed private street meets the hill area policies. The private street design also accommodates emergency vehicle access and circulation, while minimizing the amount of pavement adjacent to the cemetery. Required street improvements include, but are not limited to: installation of pavement, sidewalk, curb, gutter, landscape planters, street trees, street lights, and utilities.

Pedestrian access within and to the project site from Mission Boulevard will be provided by a 5-foot sidewalk along the entire length of the private street. As allowed by the Development Standards for Hillside Streets, sidewalk will be located on only one side of the private street.

Easements: There are no existing easements on the subject parcel. An existing 18-inch public storm drain line is located along the project's northernmost boundary in land formerly owned by the County of Alameda. The applicant will be required to dedicate a Public Storm Drain Easement (PSDE) to encompass and allow the public storm drain line to remain within the private parcel.

Grading & Drainage:

The existing topography varies significantly across the site with elevations varying from 301 feet above mean sea level along the northern edge to 317 feet along the southern edge of the parcel. The existing topography of the project site also includes a knoll near the northwestern corner of the parcel with a high elevation of 323 feet. The subdivision grading will consist of excavating the lots to construct the building pads and contouring the private street, yards and open space areas for positive drainage.

The design will include retaining walls ranging in height between 1 and 3 feet between the individual lots. Successive retaining walls, with wall heights between 1 and 3 feet, will be used along the northern, southern and western boundaries. Based on the Preliminary Grading Plan, elevation differences between existing adjacent residences and proposed building pads on the project site will be approximately five and a half feet (5.5'), eight feet (8') and thirteen feet (13') along the western, northern and southern project boundaries, respectively.

Based on the project topographic survey, retaining walls and fences in the rear yards of the adjacent residences located at 44414 and 44426 Cavisson Court currently encroach onto the project site along the southern boundary, affecting Lots 1 through 4 of the proposed development. The developer will be required to either perform or cause the removal, reconstruction and legalization of the existing retaining walls and fences such that they meet current code requirements and are located entirely on the neighboring parcels.

The project civil engineer estimates project grading to include 18,700 cubic yards of cut and 5,800 cubic yards of fill, for a total of 24,500 cubic yards of grading. The disposal site and truck route for the off-haul material shall be subject to review and approval of the City Engineer. The grading allows for a design and massing that is consistent with the surrounding development. In particular, lowering of building pads adjacent to the cemetery will minimize visual impacts.

Urban Runoff Clean Water Program:

The Alameda Countywide National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit requires all new development to incorporate measures to prevent pollutants from being conveyed in storm water runoff and into the public storm drain system. This project is required to comply with the NPDES permit by incorporating treatment measures into the project design.

The project intends to meet the quantitative storm water treatment requirements by constructing vegetated bioswales and bioretention areas. Stormwater treatment has been considered in the conceptual landscape design described for the project. In order to conform to the quantitative performance criteria of the Countywide NPDES permit, the project may be required to incorporate additional stormwater treatment control best management practices in the final plan. The storm water treatment design shall be integrated into the storm drain design for the project and shall be subject to review and approval of the City Engineer prior to Final Map approval.

FINDINGS FOR APPROVAL: In order to approve the proposed General Plan Amendment, Rezoning, Planned Unit Development, Private Street, and Vesting Tentative Parcel Map, the project must be found consistent with the General Plan and Zoning Ordinance. Based on the above analysis, staff finds the proposed project is in conformance with General Plan and Zoning Ordinance and recommends the findings presented in Exhibit “H” enclosed.

CITY FEES: The future development of individual homes within the subdivision will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, park land in lieu, capital facilities, affordable housing in-lieu and traffic. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance. The applicant may elect to defer payment in accordance with the City’s Impact Fee Deferral Program.

JULY 2010 HARB HEARING: At the July 1, 2010 meeting, HARB unanimously recommended denial of the project. HARB strongly felt that the complete open space setting behind the St. Joseph’s Cemetery (or former peripheral cemetery area) proposed for the development contributed to the historic character of the site. HARB advised that development of the open space would compromise the setting and environment of the cemetery. HARB suggested that if development is subsequently permitted, fewer houses farther away from the cemetery would be more compatible. The secondary recommendation for design modifications and development requirements included:

1. Reduce the overall project density (to a corresponding R-1-8 zoning district or minimum 8,000 s.f. lots).
2. Preserve the tall Eucalyptus trees on the north side of the cemetery adjacent to the proposed private road.
3. Apply greater rigor in ensuring detection and full disinterment that any possible missed interments within the development area prior to any project development earthwork activities.
4. Explore signage to denote historic significance of the cemetery.
5. Increase the width of the private street behind the cemetery to 35 feet beyond the first bend of the street behind (or west) of the cemetery.
6. Eliminate lots behind the cemetery to create an enlarged open space.

The applicant considered HARB's concerns and revised its proposal to reduce the project from 17 to 16 home lots. This afforded the establishment of a larger common open space (Common Lots B and C) behind the St. Joseph's Cemetery. To ensure that an open space buffer is maintained, the proposed Planned Unit Development would require that the homeowners' association be responsible for the ongoing maintenance of the common lots that surround the cemetery. Staff is of the opinion that the eventual development of new homes behind the cemetery with this improved open space interface will achieve compatibility with the historic character of the cemetery, as well as hill area development standards. Conditions also require a more extensive investigation of possible missed burial sites.

Several neighbors also raised concerns in opposition of the project. The concerns raised include:

- Traffic safety (unsafe intersection design);
- Open space reduction impairing property values and the historic character of the cemetery;
- Lack of ongoing maintenance at the cemetery;
- Incompatible smaller proposed lots sizes;
- Missed disinterment of burials within the proposed development area (former peripheral cemetery location); and,
- Inappropriate proposed land use of residential (should consider a community park or garden, or a vineyard and winery).

The City's Transportation and Operations Department has reviewed the modification to the intersection at the project site and concluded that proper corner sight distance is maintained. The applicant explained that the St. Joseph's Cemetery is a cemetery that is "unendowed", which means that the families or descendants were responsible for its maintenance. Staff's understanding is that the applicant is currently considering a plan for the maintenance of the St. Joseph's Cemetery.

Draft minutes of the HARB hearing are enclosed (Informational 3).

AUGUST 2010 PLANNING COMMISSION HEARING: At the August 26, 2010 meeting, the Planning Commission unanimously recommended approval of the applicant's revised project to include 16 home lots with a larger open space area behind the St. Joseph's Cemetery. Several concerns were raised at the hearing on the development's compatibility with its surrounding character and the historic cemetery. The Commission felt that the applicant was responsive to the concerns raised by HARB and neighbors with a revised design that created additional open space and increased setbacks for the future homes. The Commission noted that the size of the lots proposed did not fully relate to the issue of setbacks, which it felt was a primary concern. The Commission was also convinced that any potential missed burials would be appropriately handled with project conditions recommended. Draft minutes of the hearing are enclosed (Informational 4).

FISCAL IMPACT: None. Development of the proposed project would not result in a direct fiscal impact. The applicant would be required to pay for applicable building permit and development impact fees.

ENVIRONMENTAL REVIEW: An Initial Study and Draft Mitigated Negative Declaration have been prepared for this project. The environmental analysis identified concerns regarding potential impacts to air quality, biological, and cultural resources. The Draft Mitigated Negative Declaration includes mitigation measures, which, if implemented, would reduce the identified impacts to non-significant

levels. These mitigation measures have been included as conditions of approval for this project. A more detailed description of the potential impacts is within the Initial Study for the project, which is included as Informational 1.

ENCLOSURES:

- [Draft Ordinance](#)
- [Draft Resolution](#)
- [Exhibit “A” Draft Mitigated Negative Declaration](#)
- [Exhibit “B” Proposed General Plan Amendment](#)
- [Exhibit “C” Proposed Rezoning](#)
- [Exhibit “D” Proposed Planned Unit Development](#)
- [Exhibit “E” Proposed Vesting Tentative Tract Map 8042, Conceptual Stormwater Treatment Plan, Conceptual Landscape Plan](#)
- [Exhibit “F” Proposed Preliminary Grading Plan](#)
- [Exhibit “G” Proposed Private Street](#)
- [Exhibit “H” Project Findings and Conditions of Approval](#)
- [Informational Item 1 - Initial Study](#)
- [Informational Item 2 - Project Justification Statement](#)
- [Informational Item 3 - Draft HARB Minutes from July 1, 2010](#)
- [Informational Item 4 - Draft Planning Commission Minutes from August 26, 2010](#)
- [Informational Item 5 - August 2010 Project Arborist Report By Dryad, LLD](#)

Supplemental Hearing Materials:

1. Color and Material Board

RECOMMENDATION:

1. Hold public hearing.
2. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, as shown in Exhibit “A” and find this action reflects the independent judgment of the City of Fremont.
3. Find that the General Plan Amendment, Rezoning, Planned Unit Development, Vesting Tentative Tract Map 8042, Preliminary Grading Plan, and Private Street (PLN2010-00198), as shown in Exhibits “B”, “C”, “D”, “E”, “F”, and “G” respectively, are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, and policies set forth in the General Plan's Land Use Chapter, as contained within the staff report.
4. Find that the proposed subdivision (Vesting Tentative Tract Map 8042), as shown in Exhibit “E” is consistent with the designations, goals, and policies of the City of Fremont’s General Plan, and that none of those findings requiring denial of vesting Tentative Tract Map 8042 can be made in this instance as set forth in Exhibit “H”.
5. Adopt a Resolution amending a 3.7 acre portion of the 5.5-acre site from Private Open Space to Low Density Residential, 3 to 5 dwelling units per acre as shown in Exhibit “B” (General Plan Amendment Map).
6. Waive full reading and introduce an ordinance amending the city’s zoning maps by rezoning a 3.7 acre portion of the 5.5-acre site from O-S, Open Space, to R-1-6 (H-I), Single-family Residence District (Hillside Combining District) as shown in Rezoning Exhibit “C” (zoning map section).
7. Direct staff to prepare and the City Clerk publish a summary of the ordinance.

8. Approve the minor Modification to the Subdivision in accordance with Section 8-1800 to permit two irregularly shaped lots (Lots B and C) that are devoted as common open space lots maintained and owned by the future homeowner's association.
9. Approve the Planned Unit Development, Vesting Tentative Tract Map 8042, Preliminary Grading Plan, and Private Street as shown in Exhibits "D", "E", "F", and "G", respectively, subject to findings and conditions in Exhibit "H".
10. Approve the removal of Eucalyptus trees as shown in Exhibit "E" for the reasons stated in the staff report.

6.1 Report Out from Closed Session of Any Final Action

7.1 CENTERVILLE FRAMEWORK PLAN

City Council and Agency Board Consideration of Key Components of the Framework Plan: Proposed Concept for Improvements to Fremont Boulevard, Urban Design Guidelines and an Approach to Public Parking Policy

Contact Person:

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Executive Summary: This item appears on both the City Council and Agency Board agendas and the two staff reports for these items are identical. At the City Council and Agency Board meeting of July 27, 2010, staff presented the draft final plan and sought direction on a number of important land use issues. There was extensive discussion by the City Council and Agency Board regarding the key components of the plan, including 1) proposed conceptual Fremont Boulevard improvements; 2) conceptual approval of proposed urban design guidelines, and 3) an approach to public parking policy in the Centerville district. However, the City Council and Agency Board did not take specific action to direct staff to move forward with implementation of the plan.

Staff therefore recommends that:

1. City Council authorize staff to research shared parking solutions southwest of Fremont Boulevard in the vicinity of Fremont Boulevard, Peralta, Maple Street and Church Avenue, and, to begin discussions with relevant property owners on the creation of a parking district, and to return with detailed information on the feasibility of shared parking.
2. City Council grant conceptual approval of proposed urban design guidelines. Authorize staff to incorporate the document in the upcoming General Plan update. Authorize staff to reproduce and distribute the urban design guideline document as a communication tool to make clear City desires regarding urban design of development in Centerville.

Furthermore, staff recommends that the Agency Board:

1. Agency Board authorize staff to research shared parking solutions southwest of Fremont Boulevard in the vicinity of Fremont Boulevard, Peralta, Maple Street and Church Avenue, and, to begin discussions with relevant property owners on the creation of a parking district, and to return with detailed information on the feasibility of shared parking.
2. Agency Board grant conceptual approval of staff proposed Fremont Boulevard improvements and direct staff to include the project in the next round under the CIP.

BACKGROUND: In the summer of 2009, as the Council was actively considering redevelopment efforts on the Centerville Unified site and Center Theater, questions arose regarding the interrelationship of projects in Centerville and their compatibility with each other and the overall vision for the rejuvenation of the Centerville District. Council at that time directed staff to undertake a plan to clearly analyze the overall redevelopment program for the area. Staff commissioned the consulting firm of Field Paoli to study the impact of existing conditions along Fremont Boulevard on proposals for future development and the affects of new development on traffic, urban design, and public parking. The

Centerville Framework Plan is the result of that analysis. An early version was presented and discussed by the City Council at a work session on November 17, 2009. At a second work session on May 18, 2010 the City Council provided wide ranging feedback on a number of issues raised by Plan implementation. At the end of the meeting staff agreed to return to the City Council with an agenda item at a regular meeting containing specific proposals and a series of “yes/no” questions in order to provide the City Council and Agency Board with the opportunity to develop a clear consensus and direction to staff on preferred next steps for Plan implementation.

At the follow up meeting on July 27, 2010, the City Council and Agency Board heard a presentation regarding Fremont Boulevard improvements, potential urban design guidelines, and a proposed approach to public parking policy. Nine ‘yes/no’ questions were presented by staff in which council provided verbal direction on the various land use policy issues. At the meeting, staff presented a conceptual design scheme for improvements to Fremont Boulevard, summarized below in the discussion/analysis section of this staff report. While the Fremont Boulevard plans seemed to meet with wide approval of the Agency Board and City Council, no formal action was taken. Similarly, the City Council/Agency Board generally endorsed the concept of compiling existing planning documents into a single urban design guideline document, (summarized below in the discussion/ analysis section of this staff report), but again, formal action to approve was not taken. Finally, during the discussion of an approach to public parking policy, staff identified locating public shared parking facilities on the southwest side of Fremont Boulevard bounded by Peralta, Maple and the dead end at Church and several Members indicated their interest in exploring the formation of a parking district, but no action was taken. In essence, tonight’s action is a cleanup item in which staff is requesting the formal approvals outlined above.

DISCUSSION/ANALYSIS:

Fremont Boulevard Improvements

Improvements to Fremont Boulevard are the most feasible tool to make a substantial positive impact on the Centerville commercial corridor in the short term. Public investment in streetscape improvements and lane reconfigurations to make the street more pedestrian- and bicycle-friendly has the potential to significantly transform the character of the street and thus the future of the district. These improvements require no private investment (since they can be funded with existing City and Agency resources) and street improvements often facilitate private development. The stretch of Fremont Boulevard between Thornton Avenue and Central Avenue is a critical component of Centerville. After discussions with Council, staff identified a preferred lane reconfiguration design and associated streetscape improvements for Fremont Boulevard which was presented to Council on July 27, 2010.

The preferred changes to Fremont Boulevard that staff is recommending be implemented over the next three years include:

- Adding continuous 5' bicycle lanes in both directions;
- Enhancing pedestrian amenities with sidewalk widening (as part of future development), and the addition of mid-block crosswalks and bulb-outs to provide safer connections across Fremont Boulevard;
- Maintaining two lanes of travel in each direction;
- Providing accommodations for future Bus Rapid Transit (BRT) in the outer travel lanes;
- Providing on-street parallel parking on at least one side of the street;

- Preserving existing street trees where feasible; and
- Including a median that can be enhanced with landscape and hardscape treatments or public art.

Urban Design

At the request of the Council, staff has compiled the current urban design guidelines from various City documents into a single document. The urban design guidelines draw from the draft General Plan Community Character element, Centerville Specific Plan, Envision Fremont Boulevard Report, and the Centerville Framework Plan. The urban design guidelines pulls these documents together into a comprehensive package that will guide potential developers as they plan enhancements or new development on their properties and communicates, in as direct a form as possible, the City's goals and vision for future development. The four documents inform and shape future development on a range of topics. Staff proposes to hire a consultant to perform urban design review of new developments in the study area, using the urban design guidelines as a tool to achieve desirable outcomes. Staff requests that the City Council and Agency Board conceptually approve the proposed urban design guidelines.

Parking Policy Approach

Staff recognizes that the availability of public parking will become more of an issue as the commercial core of Centerville is rejuvenated and becomes an active, attractive, and sought-after shopping district. Since the demand for parking will increase over time as the area is redeveloped, resolution of the future parking demand will be a longer term solution and require a phased approach. Initially, the approach might include providing additional parking along Fremont Boulevard and meeting with property owners to determine the viability of a short-term sharing mechanism. Staff further believes that the establishment of a parking district might be a key component to a successful parking strategy. Eventually, it is anticipated that a centrally located parking structure might be necessary if demand continues to grow. Given its central location, staff has identified the block southwest of Fremont Boulevard bounded by Peralta Boulevard, Maple Street, and Church Avenue as the preferred location for shared public parking. At this point, staff is requesting that Council: 1) direct staff to begin discussions with existing private property owners on the block recommended for the provision of shared parking and to analyze the feasibility and desirability of establishing a parking district; 2) as part of the City's CIP process commencing this year, identify costs, timing and funding sources – most likely the Agency – and return to the Council and Agency Board at a later date with a detailed plan of action for district-wide parking

FISCAL IMPACT: There is no fiscal impact to any action authorized by this item. The fiscal impacts of individual projects will be assessed and authorized through future City Council and/ or Agency Board actions.

ENVIRONMENTAL REVIEW: The current action does not authorize any project nor does it constitute a project under CEQA. Therefore no environmental review is required at this time. Conceptually approved Framework Plan components are proposed to be evaluated as part of the General Plan EIR and incorporated into the Community Plans Chapter of the General Plan 2030.

ENCLOSURE: [Proposed Urban Design Guidelines](#)

RECOMMENDATIONS:

Staff recommends that:

1. City Council authorize staff to research shared parking solutions southwest of Fremont Boulevard in the vicinity of Fremont Boulevard, Peralta, Maple Street and Church Avenue, and, to begin discussions with relevant property owners on the creation of a parking district, and to return with detailed information on the feasibility of shared parking.
2. City Council grant conceptual approval of proposed urban design guidelines. Authorize staff to incorporate the document in the upcoming General Plan update. Authorize staff to reproduce and distribute the urban design guideline document as a communication tool to make clear City desires regarding urban design of development in Centerville.

Furthermore, staff recommends that the Agency Board:

1. Agency Board authorize staff to research shared parking solutions and the formation of a parking district, and to return with detailed information on the feasibility of shared parking. Specifically, approve staff's recommendation to explore shared parking southwest of Fremont Boulevard in the vicinity of Fremont Boulevard, Peralta, Maple Street and Church Avenue, and to begin discussions with relevant property owners; and
2. Agency Board grant conceptual approval of staff proposed Fremont Boulevard improvements and direct staff to include the project in the next round under the CIP.

8.1 Council Referrals

8.1.1 COUNCILMEMBER CHAN REFERRAL: Request the City Council to Direct Staff to Return with a Resolution to Make the City of Fremont a Let's Move! City

First Lady Michelle Obama is calling on mayors and elected officials across the country to join her Let's Move! campaign. Let's Move! Cities and Towns engages mayors and other municipal leaders in the campaign to solve the problem of childhood obesity within a generation. Let's Move! Cities and Towns emphasizes the unique ability of communities to solve the challenge locally, and the critical leadership mayors and elected officials can provide to bring communities together and spur action.

Once a City signs up as a prospective Let's Move! City, it should highlight at least one significant action taken in any one of the four pillar areas:

1. Help Parents Make Healthy Family Choices
2. Create Healthy Schools
3. Provide Access to Healthy and Affordable Food
4. Promote Physical Activity

I am seeking City Council support to direct staff to return on November 2nd with a resolution supporting the Let's Move! Campaign.

8.1.2 COUNCILMEMBER CHAN REFERRAL: Request the City Council to Direct Staff to Return with a Healthy Eating Active Living (HEAL) Cities Campaign Resolution for Council Consideration

I would like for the City Council to consider adoption of a resolution to support the Healthy Eating Active Living (HEAL) Cities Campaign, a partnership of the League of California Cities, the California Center for Public Health Advocacy and the Cities, Counties and School Partnership. The Campaign works with California cities to adopt policies that will improve the physical activity and food environments for all residents. The Campaign offers training, technical assistance and publicity to help your city move forward on health.

I would like for staff to return on November 2nd with a resolution for City Council's consideration.

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FUSD	Fremont Unified School District
ACCMA.....	Alameda County Congestion Management Agency	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA.....	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTA	Alameda County Transportation Authority	HBA	Home Builders Association
ACTIA	Alameda County Transportation Improvement Authority	HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
CALPERS.....	California Public Employees' Retirement System	MTC.....	Metropolitan Transportation Commission
CBD	Central Business District	NEPA	National Environmental Policy Act
CDD.....	Community Development Department	NLC.....	National League of Cities
CC & R's	Covenants, Conditions & Restrictions	NPDES.....	National Pollutant Discharge Elimination System
CDBG	Community Development Block Grant	NPO.....	Neighborhood Preservation Ordinance
CEQA	California Environmental Quality Act	PC.....	Planning Commission
CERT	Community Emergency Response Team	PD	Planned District
CIP	Capital Improvement Program	PUC.....	Public Utilities Commission
CMA	Congestion Management Agency	PVAW	Private Vehicle Accessway
CNG.....	Compressed Natural Gas	PWC.....	Public Works Contract
COF	City of Fremont	RDA	Redevelopment Agency
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
CSAC.....	California State Association of Counties	RFQ.....	Request for Qualifications
CTC	California Transportation Commission	RHNA	Regional Housing Needs Allocation
dB	Decibel	ROP.....	Regional Occupational Program
DEIR.....	Draft Environmental Impact Report	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
DO	Development Organization	RWQCB	Regional Water Quality Control Board
DU/AC.....	Dwelling Units per Acre	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EBRPD	East Bay Regional Park District	SPAA	Site Plan and Architectural Approval
EDAC	Economic Development Advisory Commission (City)	STIP	State Transportation Improvement Program
EIR.....	Environmental Impact Report (CEQA)	TCRDF.....	Tri-Cities Recycling and Disposal Facility
EIS	Environmental Impact Statement (NEPA)	T&O	Transportation and Operations Department
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	UBC	Uniform Building Code
FEMA.....	Federal Emergency Management Agency	USD.....	Union Sanitary District
FFD.....	Fremont Fire Department	VTa	Santa Clara Valley Transportation Authority
FMC.....	Fremont Municipal Code	WMA	Waste Management Authority
FPD.....	Fremont Police Department	ZTA.....	Zoning Text Amendment
FRC.....	Family Resource Center		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
October 19, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 26, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 2, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 9, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 16, 2010	TBD	Work Session	Council Chambers	Live
November 23, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
November 30, 2010 (5 th Tuesday)		No City Council Meeting		
December 7, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 14, 2010	7:00 p.m.	City Council Meeting	Council Chambers	Live
December 15, 2010 – January 3, 2011		Council Recess		
January 4, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
January 11, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
January 18, 2011	TBD	Work Session	Council Chambers	Live
January 25, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 1, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 8, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live
February 15, 2011	TBD	Work Session	Council Chambers	Live
February 22, 2011	7:00 p.m.	City Council Meeting	Council Chambers	Live